

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAWRENCE BUCKNER,

Plaintiff,

v.

Case No. 11-13623

MICHAEL RINI, et al.,

Defendants.

ORDER DENYING “MOTION FOR THE APPOINTMENT OF COUNSEL”

Plaintiff filed a motion on August 24, 2012, asking the court to “appoint” him counsel under 28 U.S.C. § 1915(e)(1). Unlike in criminal cases, the court cannot appoint counsel to a civil party. Instead, the court can only *request* that an attorney represent a plaintiff who is unable to afford counsel. 28 U.S.C. § 1915(e)(1). Receiving a request for counsel in a civil case is not a constitutional right, but rather a privilege. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). A request is granted when, in the court’s discretion, “exceptional circumstances” exist. *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993). For the following reasons, the court does not find that such exceptional circumstances are present in this case and will dismiss the motion without prejudice.

Plaintiff argues that the court should request counsel because he is indigent, has minimal knowledge of the law to handle such complex legal issues, and is incarcerated with limited time and resources to conduct legal research. However, the court is not persuaded at this stage of litigation that exceptional circumstances exist to warrant a

request for counsel. While the court understands Plaintiff's challenges, his concerns are not unique as all incarcerated inmates proceeding *pro se* face similar difficulties. The motion will therefore be denied, but without prejudice. The court is open to reconsidering Plaintiff's request for counsel under § 1915(e)(1) at a later point in this litigation in the event that Plaintiff is unable to conduct adequate discovery or if the matter proceeds to trial. Accordingly,

IT IS ORDERED that Plaintiff's "Motion for the Appointment of Counsel" [Dkt. # 24] is DENIED WITHOUT PREJUDICE.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 14, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 14, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522